

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARIN LEE HAUMAN, :
Plaintiff, :
v. : Case No. 3:05-cv-439-KRG-KAP
JEFFREY BEARD, et al., :
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On February 22, 2008, the Magistrate Judge filed a Report and Recommendation, docket no. 65, recommending that the motion for summary judgment filed by defendants, docket no. 52, be granted except as to one claim, and that plaintiff's motions for summary judgment, docket no. 33 and docket no. 42, be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed timely objections, docket no. 68, which are meritless.

Upon de novo review of the record, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 26th day of March, 2008, it is

ORDERED that defendants' motion for summary judgment, docket no. 52, is granted except for the claim for injunctive relief based on the allegation that plaintiff was exposed to

asbestos in May 2005 and April 2006. Plaintiff's motions for summary judgment, docket no. 33 and docket no. 42, are denied. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with some capital letters.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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